

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA**

**FIDELITY AND GUARANTY LIFE
INSURANCE COMPANY,**

Plaintiff,

v.

JOHN H. SYKES,

Defendant.

CV F 05-0380 AWI DLB

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS**

**ORDER GRANTING DEFAULT AND
MOTION FOR DEFAULT JUDGMENT**

(Documents #9, #15, & #20)

Plaintiff filed this complaint for declaratory relief on March 18, 2005, requesting that the court declare that Defendant is owed no sums under the life insurance policy insuring the life of John L. Hart ("Hart").

Plaintiff filed a motion for entry of default on June 3, 2005. The Clerk of the Court entered default on August 31, 2005. On December 23, 2005, Plaintiff filed a motion for entry of default judgment. Defendant did not file an opposition

On February 3, 2006, the Magistrate Judge entered Findings and Recommendations that recommend the court grant Plaintiff default judgment. These Findings and Recommendations were served on the parties and contained notice that any objections could be filed within thirty days. No party has filed objections.

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1 In accordance with the provisions of 28 U.S.C. § 636 (b)(1)C) this court has conducted a
2 de novo review of this case. See Britt v. Simi Valley Unified School Dist., 708 F.2d 452, 454
3 (9th Cir. 1983). Having reviewed the entire file, the court adopts the Findings and
4 Recommendations.

5 Accordingly, it is HEREBY ORDERED that:

- 6 1. The Findings and Recommendations issued by the Magistrate Judge on February
7 3, 2006 are ADOPTED IN FULL;
- 8 2. Plaintiff's motion for entry of default judgment in favor of Plaintiff and against
9 Defendant is GRANTED; and
- 10 3. The Clerk of the Court is DIRECTED to enter judgment declaring that John J.
11 Sykes take nothing under life insurance certificate number L0079124, issued by
12 Fidelity and Guaranty Life Insurance Company on the life of John L. Hart on or
13 about May 11, 2004.

14
15 IT IS SO ORDERED.

16 **Dated: March 16, 2006**
17 0m8i78

/s/ Anthony W. Ishii
UNITED STATES DISTRICT JUDGE